

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GEORGIA SOUTHWESTERN
RAILROAD, INC., a Corporation,

Plaintiff,

VS.

AMERICUS C. MITCHELL, JR.,
an Individual,

Defendant.

CASE NO. 2:06cv3-B

MOTION TO COMPEL
AND MOTION TO EXTEND DISCOVERY DEADLINE

NOW COMES **A. C. MITCHELL**, the defendant herein, and moves this Court to compel the plaintiff to comply with the directives set forth in its October 25, 2006 Order, and, for reason, states as follows:

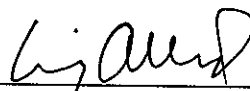
1. In its October 25, 2006 Order, this Court directed the plaintiff:

“(a) to respond in a timely fashion to Defendant’s document requests noticed on October 20, and (b) to produce promptly to Defendant (i) a copy of the Purchase and Sale Agreement identified during oral arguments as the most recent documentation for Plaintiff’s negotiating proposal to purchase the railroad line now being leased, and (ii) copies of all records which reflect the ‘purchase price’ calculations and considerations described at paragraph 14 (page 29) of the Lease Agreement.”

Order on Motions: 10-25-06; Paragraph 4b.

2. To date, plaintiff has failed to provide sufficient responses.
3. Counsel for plaintiff has notified the undersigned that a copy of the Purchase and Sale Agreement identified above will be produced today. However, plaintiff's Counsel also stated that objections would be filed regarding the discovery requests and that there would be no further documents produced.
3. The parties have attempted to resolve this dispute informally, but have been unable to do so. See Exhibits A and B.
4. This defendant also respectfully requests an extension of the discovery deadline for thirty (30) days to allow sufficient time for a hearing or alternative resolution of this discovery dispute, and an opportunity to depose the plaintiff thereafter.

Respectfully submitted,



DAVID E. ALLRED
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Attorneys for Above-Named Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of November, 2006 filed the foregoing *Motion to Compel with Court Order Regarding Discovery and Motion to Extend Discovery Deadline* with the Clerk of the Court for the United States District Court for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

Adrian D. Johnson, Esq.
PARNELL & CRUM, P.A.
Post Office Box 2189
Montgomery, Alabama 36102-2189



OF COUNSEL